

**STORAGE NAME:** h1519.in

**DATE:** April 12, 2000

**HOUSE OF REPRESENTATIVES  
AS FURTHER REVISED BY THE COMMITTEE ON  
INSURANCE  
ANALYSIS**

**BILL #:** HB 1519

**RELATING TO:** Drug-Free Workplaces

**SPONSOR(S):** Representative Lynn

**TIED BILL(S):** None

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) HEALTH CARE LICENSING & REGULATION YEAS 10 NAYS 3
  - (2) GOVERNMENTAL OPERATIONS YEAS 6 NAYS 0
  - (3) INSURANCE (W/D)
  - (4) HEALTH & HUMAN SERVICES APPROPRIATIONS
  - (5)
- 

**I. SUMMARY:**

This bill transfers the drug-free workplace requirements for public employers from s. 112.0455, F.S., and the requirements for private employers from chapter 440, F.S., to chapter 442, F.S. This bill eliminates duplicate provisions of the two programs and combines them into one comprehensive "Florida Government Drug-Free Workplace Act." The Office of Drug Control within the Executive Office of the Governor is designated as the "umbrella agency" for the purpose of coordinating implementation of the program among agencies and departments. This bill revises provisions relating to drug testing, employee or job applicant notification and protection, employer protection, licensure and certification of drug testing laboratories, and standards for drug testing. HB 1519 also provides for rules necessary for implementation of the act to be adopted by various state agencies.

This bill provides a discount on workers' compensation rates for employers that maintain a drug-free workplace pursuant to ss. 442.02 and 442.03, F.S.

Except as otherwise provided, this bill provides an effective date of October 1, 2000.

This bill has an indeterminate fiscal impact on state government. Please see the fiscal comments section for further details.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |  |   |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |

This bill expands the responsibilities of the Department of Labor and Employment Security, the Division of Workers' Compensation, and the Office of Drug Control to promulgate rules pursuant to this act.

B. PRESENT SITUATION:

Section 112.0455, F.S., is known as the Drug-Free Workplace Act and outlines the standards to which employers must conform when implementing a drug-testing program. This section is applicable to all state government workplaces. Section 440.102, F.S., outlines the standards to which private sector employers must conform when establishing a drug-testing program.

**Public Sector**

*No Legal Duty to Test*

Section 112.0455(4), F.S., provides that there is no legal duty for employers to request an employee or job applicant to undergo drug testing. Drug tests may not be conducted until the employer has identified local drug abuse assistance programs.

*Notice to Employees*

Employers are required to notify employees and job applicants of the employer's drug-testing policy. An employer must give employees a 60-day notice before implementing a drug-testing program. Prior to testing, all employees and job applicants shall be given a written summary of the employer's policy regarding drug-testing.

This summary includes:

- the types of testing to which an employee or applicant may be required to submit;
- the actions that an employer may take against an employee or applicant on the basis of a positive test result;
- a statement advising the employee of s. 112.0455, F.S.;
- a statement of the procedures regarding confidentiality;
- the consequences of refusing to submit to a drug test;
- the addresses and phone numbers of local employee assistance programs;
- a statement of the procedure for contesting a positive drug test result as well as any applicable collective bargaining agreement and the right to appeal to the Public Employees Relations Commission;

- a list of all drugs for which the employer will test; and
- a statement informing employees and job applicants of their right to consult the testing laboratory for information regarding prescription and nonprescription medication.

### *Types of Testing*

Public employers are authorized, but not required, to conduct the following types of tests:

- Job applicant drug tests -- an employer may require applicants applying for positions that are contingent upon passing a drug test to take and pass a drug test. Refusal to take a drug test or the receipt of a confirmed positive test result is grounds for refusing to hire a job applicant.
- Reasonable suspicion drug tests -- An employer may require an employee to submit to reasonable suspicion drug tests.
- Routine fitness-for-duty drug tests -- An employer may require an employee to submit to a drug test if the test is part of a routinely scheduled employee fitness-for-duty medical examination, part of the employer's established policy, or scheduled routinely for all members of a certain employment classification.
- Follow-up drug test -- If the employee in the course of employment enters into an employee assistance program for drug-related problems, the employer may require the employee to submit to a drug test, unless the employee voluntarily entered into the program.

### *Procedures and Employee Protection*

The employer must follow specific procedures for the collection and analysis of specimens. Only authorized persons may collect specimens for drug tests. All drug tests must be conducted by a laboratory licensed by the Agency for Health Care Administration (AHCA). An employee must be notified by the employer within five days of a confirmed positive test. The employee then has five days to submit a written explanation contesting the test results. Also, the employee may have a portion of the original specimen reexamined at his or her own expense by a duly licensed or certified laboratory.

No employer may discharge, discipline, or refuse to hire any employee or applicant on the basis of a positive test result that has not been verified by a confirmation test. The employer may not fire an employee for the first confirmed positive drug test unless that employee refuses to participate in and successfully complete an employee assistance program. An *employee in a safety-sensitive position* may be placed in a non-safety-sensitive position or placed on leave status while participating in an employee assistance program. A *special risk employee* may be discharged or disciplined for the first confirmed positive drug test, if the test result confirms illicit drugs pursuant to s. 893.13, F.S.

### *Confirmation Testing*

If an initial drug test is negative, the employer may at its sole discretion, and at the employer's expense, seek a confirmation test. All positive test results must be confirmed using gas chromatography/mass spectrometry or an equivalent or more scientifically accurate test.

### *Employer Protection*

An employer who discharges or disciplines an employee pursuant to this section will be considered to have discharged or disciplined the employee for cause. Employers are allowed to establish reasonable rules regarding employee possession, use, sale, or solicitation of drugs and to take appropriate actions based upon a violation of those rules. Employers are allowed to continue normal medical screening as required by statute, rule, or regulation for the purpose of monitoring exposure of employees to toxic or other unhealthy substances in the workplace.

#### *Confidentiality*

All information, reports, and test results produced as a result of this section are confidential and exempt from the provisions of s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.

#### *Drug Testing Laboratories, Standards*

Laboratories conducting drug tests must be licensed by AHCA using criteria established by the United States Department of Health and Human Services. The AHCA shall require background screening of the managing officer responsible for the daily operation of the laboratory and of the chief financial officer.

#### *Rules*

AHCA may promulgate rules concerning standards for drug-testing laboratory licensing, appropriate specimen collection for analysis, methods for analysis to ensure reliable drug-testing, minimum cutoff detection levels for drugs, chain-of-custody procedures, retention, storage, and transportation procedures to ensure reliable test results, and a list of the most common medications that may affect or alter a drug test.

The Department of Management Services may adopt rules for all executive branch agencies; the Board of Regents may adopt rules for the State University System; the State Courts Administrator may adopt rules for the state court system; the Justice Administrative Commission may adopt rules on behalf of the state attorneys and public defenders, the Office of Capital Collateral Representative of Florida, and the Judicial Qualifications Commission; and the President of the Senate and the Speaker of the House may adopt rules for employees and Members of the Legislature.

#### *Discipline Remedies*

An executive branch employee who is disciplined or a job applicant who is not hired pursuant to this section may file an appeal with the Public Employees Relations Commission (PERC) or file a collective bargaining grievance, if available. Relief from PERC may include:

- rescinding the disciplinary action, expunging the related records from the personnel file, and reinstating the employee;
- mandating that the job applicant be given the next available comparable or equivalent job;
- back pay and benefits; and
- reimbursement of necessary costs of the appeal, reasonable attorney's fees, and expert witness fees.

### *Non-Discipline Remedies*

Any person alleging a violation of the provisions of the Drug-Free Workplace Act that is not remediable by the commission or an arbitrator may institute a civil action for injunctive relief or damages. Relief is limited to an order restraining the continued violation of this section, reimbursement for the costs of litigation, expert witness fees, reasonable attorney's fees, and noneconomical damages. The damages shall be limited to the recovery of damages directly resulting from injury or loss caused by each violation of this section.

### *Federal Compliance*

Drug testing procedures in this section do not apply where the specific work performed requires employees or job applicants to submit to drug testing under federal regulations.

### *Fees*

Fees from the licensure of drug testing laboratories shall be sufficient to carry out the responsibilities of AHCA. For licensure as a drug testing laboratory, the fee shall not be less than \$8,000 per year or more than \$10,000 per year. For late filing, an additional fee of \$500 per day shall be assessed.

## **Private Sector**

### *No Legal Duty to Test*

Private sector employers who maintain a drug free workplace pursuant to s. 440.102, F.S., are eligible to receive the discounts provided under s. 627.0915, F.S., and may deny medical and indemnity benefits to certain employees. The drug-free workplace programs must conform to s. 440.102, F.S. However, private employers have no legal duty to request an employee or job applicant to submit to drug testing.

### *Notice to Employees*

Private employers must provide the same notification to employees or job applicants that public employers provide.

### *Types of Testing*

Private employers wishing to maintain a drug-free workplace must conduct the following types of drug tests:

- Job applicant drug tests -- an employer must require applicants applying for positions that are contingent upon passing a drug test to take and pass a drug test. Refusal to take or receiving a confirmed positive test result are grounds for refusing to hire a job applicant.
- Reasonable-suspicion drug tests -- An employer must require an employee to submit to reasonable-suspicion drug tests.
- Routine fitness-for-duty drug tests -- An employer must require an employee to submit to a drug test if the test is part of a routinely scheduled employee fitness-for-duty medical examination or is part of the employer's established policy or that is scheduled routinely for all members of a certain employment classification.

- Follow-up drug test -- If the employee in the course of employment enters into an employee assistance program for drug-related problems, the employer must require the employee to submit to a drug test, unless the employee voluntarily entered into the program.

#### *Procedures and Employee Protection*

The procedures and employee protections are the same for both public and private drug-free workplaces except that a private employer may fire, discipline, or refuse to hire an employee or job applicant based upon the first incident of a confirmed positive test result that has been reviewed by the employer's medical review officer. Also, the employer is not required to help the employee obtain rehabilitation through an employee assistance program. If an employee voluntarily seeks treatment while employed and if the employee has never previously tested positive for drug use, then the employer may not discharge, discipline, or fire the employee. The employer may deny certain benefits to an employee who receives a confirmed positive test result that has been reviewed by the employer's medical review officer.

#### *Confirmation Testing*

The same standards apply to private employer drug-free workplace programs as apply to public employer programs.

#### *Employer Protection*

The standards in this section are identical to those in the public drug-free workplace section except that a private employer is not required to refer an employee with a first-time positive confirmed drug test to an employee assistance program. The employer may immediately discipline or discharge the employee.

#### *Confidentiality*

The same standards apply to private employer drug-free workplace programs as apply to public employer programs.

#### *Drug Testing Standards, Laboratories*

Laboratories conducting drug tests must be licensed by AHCA or certified by the United States Department of Health and Human Services.

#### *Rules*

AHCA may promulgate rules pursuant to s. 112.0455, F.S., concerning standards for drug-testing laboratory licensing, appropriate specimen collection for analysis, methods for analysis to ensure reliable drug testing, minimum cutoff detection levels for drugs, chain-of-custody procedures, and retention, storage, and transportation procedures to ensure reliable test results.

#### *Denial of Benefits*

If an employer implements a drug-free workplace program, and follows the procedures in s. 440.102, F.S., any employee that tests positive for drugs may be fired and may be forced to forfeit his or her eligibility for medical and indemnity benefits.

*Collective Bargaining Rights*

This section does not eliminate rights as provided in the collective bargaining process if applicable.

**C. EFFECT OF PROPOSED CHANGES:**

This bill designates the Office of Drug Control within the Executive Office of the Governor as the “umbrella agency” to oversee the coordination among the state agencies that are responsible for implementing the drug-free workplace provisions of ss. 442.02 and 442.03, F.S.

These new sections are designated as the “Florida Government Drug-Free Workplace Act.” This bill combines certain provisions that were previously included in s. 112.0455, F.S., with the provisions in ss. 440.101 and 440.102, F.S.

The new Florida Government Drug-Free Workplace Act is intended to regulate all employers, both public and private, that wish to maintain a drug-free workplace. This bill entitles employers that comply with s. 442.03, F.S., to receive a 10 percent discount on the rate for workers’ compensation insurance. If an employer implements a drug-free workplace program under this Act and an employee receives a positive drug test, that employee may be terminated and may forfeit eligibility for medical and indemnity benefits as well as unemployment compensation benefits.

This bill updates the definitions found in s. 442.03, F.S. A “certified laboratory” is certified by the Federal Substance Abuse and Mental Health Services Administration (SAMHSA). A “licensed laboratory” is licensed by the AHCA. In addition, the “confirmation test” is a second analytical procedure used to identify a drug’s presence or a more accurate scientifically accepted method approved by the Department of Health and Human Services Mandatory Guidelines for Federal Workplace Drug Testing Programs (DHSS Guidelines). The term “drug” is updated, and specimens and initial drug tests are required to abide by DHSS Guidelines. A “medical review officer” must be a physician who is certified in the law and methodology of drug testing.

This bill transfers the standards for notifying employees of a drug testing policy that are currently in s. 440.102, F.S., to s.442.03, F.S. In order to be certified as a drug-free workplace, both public and private employers are required to conduct drug tests. If in the course of employment, an employee suffers an accident for which he or she receives medical attention, the employer must require the employee to submit to a drug test as a consequence of the accident.

This bill retains the procedures and employee protections previously found in s. 440.102, F.S., and requires both public and private employers to abide by these standards. The standards for confirmation testing remain the same as in s. 440.102, F.S., except that an employer may not seek a confirmation test if an original drug test is negative. The bill makes no changes to the employer protection and confidentiality standards listed in s. 440.102, F.S., but requires both public and private employers to follow these guidelines. If an employee’s challenge or explanation of a positive test is unsatisfactory to the employer, the employer is not required to provide a written explanation to the employee, unless the employer receives a written request by the employee within 5 days after the final notification of the positive result.

This bill incorporates the laboratory licensure guidelines from s. 112.0455, F.S., into s. 442.03, F.S. It provides that a laboratory may analyze initial or confirmation drug specimens if it is licensed by AHCA or certified by the United States Department of Health and Human Services. This bill provides the requirements that a laboratory must abide by to receive this licensure and certification.

The bill requires AHCA to adopt rules for laboratories and medical review officers engaged in drug-free workplace testing. The rules will be modeled after the guidelines established by the United States Department of Health and Human Services and the United States Department of Transportation. The rules will include:<sup>1</sup>

- standards for licensing and certifying drug-testing laboratories;
- standards for collecting drug specimens;
- standards for testing and reporting drug test results;
- grounds for disciplinary action against a licensed drug-free workplace laboratory including licensure denial, suspension, revocation, and annulment;
- imposition of administrative fines;
- specimens that may be used for drug-free workplace drug-testing;
- minimum specimen amounts appropriate for drug-testing;
- methods of analysis;
- minimum cutoff levels for each drug found in body specimens and capable of revealing the presence of drugs or metabolites of drugs;
- chain of custody procedures;
- retention, storage and transportation procedures for retests;
- list of common medications which may alter or affect a drug test;
- standards for proficiency testing, quality control and quality assurance;
- requirements for qualifications of medical review officers;
- requirements for statistical reporting from licensed and certified laboratories; and
- inspection of licensed and certified drug-testing laboratories.

The Department of Labor and Employment Security is authorized to adopt any rules necessary to implement the provisions of this section.

This bill adds the disciplinary and non-disciplinary remedies found in s. 112.0455, F.S., to s. 442.03, F.S. All public employees may appeal through the disciplinary remedies outlined in this section. Either public or private employees may appeal through the non-disciplinary remedies.

This bill creates reporting and accountability standards. The employer or carrier will report to the Division of Workers' Compensation information related to the establishment of a drug-free workplace in accordance with the rules adopted by the division to monitor the effectiveness of drug-free workplaces.

This bill requires employers to educate employees in order to become certified as a drug-free workplace. The Division of Workers' Compensation will adopt rules to specify the educational requirements that must be provided by employers.

This bill provides that any drug testing program must allow for a final review by a medical review officer. A review of all test results will be conducted prior to a report being submitted to an employer.

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<sup>1</sup>All of these rules must be promulgated not inconsistent with or duplicative of existing federal drug-free workplace programs referenced in this section.



This bill provides that an employee who works in a drug-free workplace and tests positive for drugs under federal regulations or refuses to submit to such testing shall be disciplined pursuant to s. 442.03, F.S.

This bill requires the Department of Insurance to approve rating plans for workers' compensation that provide a 10 percent discount in the setting of rates for employers that implement a drug-free workplace program, implement a safety program approved by the Division of Safety, or implement both a drug-free workplace program and a safety program approved by the Division of Safety.

This bill also deletes the repeal of all of chapter 442, F.S., and retains the repeal of certain sections of chapter 442, F.S.

**D. SECTION-BY-SECTION ANALYSIS:**

**Section 1.** Amends s. 112.0455, F.S., substantially rewording said section and providing short title, purposes, and legislative findings.

**Section 2.** Amends s. 397.332(2)(h), F.S., designating the Office of Drug Control within the Executive Office of the Governor as the "umbrella agency to ensure coordination among the agencies or departments which are responsible for implementing the drug-free workplace provisions."

**Section 3.** Creates s. 442.01, F.S., providing a short title indicating that ss. 442.02 and 442.03, F.S., may be referred to as the "Florida Government Drug-Free Workplace Act."

**Section 4.** Transfers ss. 440.101 and 440.102, F.S., to the new ss. 442.02 and 442.03, F.S., respectively, and renumbers and amends said sections. This section creates a new Florida Government Drug-Free Workplace Act and rewords the language in s. 440.101, F.S., to include both public and private employers. This section provides for eligibility for certain insurance rate discounts under certain circumstances and provides for ineligibility under certain circumstances. It revises provisions relating to drug testing, notice to employees and job applicants, types of testing, procedures and employee protection, confirmation testing, employer protection, and confidentiality. It revises provisions relating to licensure and certification of drug-testing laboratories, drug-testing standards for laboratories, and rules of the Agency for Health Care Administration relating to drug-testing laboratories. This section revises provisions relating to state employees in safety-sensitive positions or special-risk positions, denial of benefits, discipline and non-discipline remedies, and collective bargaining rights. This section requires employers to educate employees regarding drug-free workplace standards and requires a final review of drug test results by a medical review officer.

**Section 5.** Amends s. 627.0915, F.S., requiring that the Department of Insurance approve rating plans for workers' compensation insurance providing a 10 percent discount to employers that implement a drug-free workplace program, implement a safety program approved by the Division of Safety of the Department of Labor and Employment Security, or implement both a drug-free workplace program and an approved safety program.

**Section 6.** Amends s. 440.09(7)(a), F.S., to conform cross references to the newly created ss. 442.02 and 442.03, F.S.

**Section 7.** Amends s. 443.101, F.S., to conform cross references to the newly created ss. 442.02 and 442.03, F.S.

**Section 8.** Amends s. 443.1715(3), F.S., to conform cross references to the newly created ss. 442.02 and 442.03, F.S.

**Section 9.** Effective upon becoming a law, amends s. 14, chapter 99-240, Laws of Florida, to delete the repeal of chapter 442, F.S., to retain the repeal of certain sections of chapter 442, F.S., and to correct an incorrect section reference.

**Section 10.** Except as otherwise provided, provides an effective date of October 1, 2001.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See fiscal comments section.

2. Expenditures:

There is a cost of implementation of the drug-testing program, as well as a cost of the drug tests themselves. Please see fiscal comments section for a more in-depth analysis.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Private employers that choose to establish a drug-free workplace will incur implementation costs and costs associated with drug testing. However, private employers that establish a drug-free workplace will receive a 10 percent discount on workers' compensation insurance rates. These employers may experience a reduction in workers' compensation claims, since benefits may be denied to any employee who is injured and tests positive for drugs. However, if discounts may be granted even if not supported actuarially, then workers' compensation rates could be impacted adversely.

The National Drug Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism estimated that the cost to America in lost productivity due to drug abuse was \$69.4 billion in 1992.<sup>2</sup>

Maintaining a drug-free workplace should benefit employers through increased employee productivity and higher employee morale.

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<sup>2</sup>1999 Florida Drug Control Strategy, p. 2-8.

**D. FISCAL COMMENTS:**

According to the Department of Management Services (DMS), this bill will have an indeterminate fiscal impact on state agencies.

It is not clear what impact this will actually have on state agencies. According to a survey conducted by DMS in May 1999, of 36 state agencies, 22 administer pre-employment drug tests, 21 administer reasonable suspicion drug tests, nine give fitness-for-duty drug tests, and nine do follow-up testing. In 1998, the State of Florida purchased a large deductible policy insuring workers' compensation claims over \$1 million. A reduction in workers' compensation insurance rates could benefit the state, if it meets the requirements of a drug-free workplace.

There could be an increase in costs if all state employees are tested. But if only certain classes of state employees are tested, the cost would be lower.

**IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:**

**A. APPLICABILITY OF THE MANDATES PROVISION:**

This bill does not require counties or municipalities to expend funds or take action requiring the expenditure of funds.

**B. REDUCTION OF REVENUE RAISING AUTHORITY:**

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

**C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:**

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

**V. COMMENTS:**

**A. CONSTITUTIONAL ISSUES:**

Safety sensitive positions, as defined by case law, are an exception to the 4th and 14th Amendments to the U.S. Constitution, which together generally prevent search and seizure by states absent individualized suspicion. This bill expands the category of safety-sensitive positions.<sup>3</sup> The Florida Constitution has been interpreted by courts as expanding individuals' privacy rights over protections provided by the U.S. Constitution. These concerns could be ameliorated by reference to a noted drug problem among the group of employees for whom it permits drug testing.

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<sup>3</sup>Chandler v. Miller, 520 U.S. 305, 117 S.Ct. 1295.

**B. RULE-MAKING AUTHORITY:**

The bill maintains the Agency for Health Care Administration's authority to adopt rules regarding drug-testing laboratories and the procedures governing how drug tests are conducted.

This bill grants the Division of Workers' Compensation authority to adopt rules regarding educational requirements that must be provided by employers as an element of a drug-free workplace.

The bill also issues a broad grant of rulemaking authority to the Department of Labor and Employment Security. The DLES would have the authority to "adopt rules necessary to implement the provisions of this act." Under s. 120.536, F.S., "statutory language granting rulemaking authority or generally describing the powers and functions of an agency shall be construed to extend no further than implementing or interpreting the specific powers and duties conferred by the same statute."

**C. OTHER COMMENTS:**

The bill amends s. 627.0915, F.S., by granting a 10 percent discount to employers that maintain a drug-free workplace pursuant to the rules adopted by the Division of Workers' Compensation or implement a safety program approved by the Division of Safety. The current discount provided in Department of Insurance rule is 5 percent for drug-free workplaces and 2 percent for safety programs.

If the discounts are not supported actuarially, then they become a subsidy paid for by higher rates assessed against those employers that do not comply with the drug-free workplace standards in this bill.

**VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

On March 30, 2000, the Committee on Governmental Operations considered HB 1519 and reported it favorably as amended. The amendment defines a "safety-sensitive position" as including a position in which a drug impairment constitutes an immediate and direct threat to the employee's health or safety or a position in the Family Safety and Preservation Program of the Department of Children and Family Services.

**VII. SIGNATURES:**

**COMMITTEE ON HEALTH CARE LICENSING & REGULATION:**

Prepared by:

Staff Director:

Andrew "Andy" Palmer

Lucretia Shaw Collins

**AS REVISED BY THE COMMITTEE ON GOVERNMENTAL OPERATIONS:**

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**STORAGE NAME:** h1519.in

**DATE:** April 12, 2000

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AS FURTHER REVISED BY THE COMMITTEE ON INSURANCE:

Prepared by:

Staff Director:

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Stephen Hogge

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